



ATLANTA / BIRMINGHAM

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April 28, 2022

National FOIA Office  
U.S. Environmental Protection Agency  
Attn: Records Custodian  
c/o A.J. McAllister  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

RE: Defendant: David Keaton  
Dates of Service: All Dates of Service

To Whom It May Concern:

Enclosed is a Request for Production of Documents necessitated by litigation involving the above-referenced patient. This Request is authorized by O.C.G.A. § 9-11-34 which permits a party to secure relevant documents from persons, firms, or corporations who are not parties to the lawsuit.

We will, of course, be happy to pay reasonable charges for the reproduction of your records. If this charge exceeds the amount of \$100.00, please notify us in writing prior to sending the medical records to obtain authorization. If you do not have any records concerning this case, please return the signed and notarized certification with a written explanation as to why records are unavailable (i.e. no record concerning case, records were destroyed, etc.).

Enclosed is a Certification for your convenience. Please mail the records back to us with the **ORIGINAL Certification (\*\*Please note that the requested records must be certified with an original notarized Certification).**

If you have any questions regarding this procedure, please feel free to call or write to us. Thank you in advance for your cooperation.

Sincerely yours,  
SWIFT, CURRIE, MCGHEE & HIERS, LLC

Catherine D. Ferrera  
Paralegal

CDF/emg  
Enclosure

cc: Robert S. Huestis, Esq.  
Gregory W. Valpey, Esq.

IN THE SUPERIOR COURT OF BANKS COUNTY  
STATE OF GEORGIA

WILLIAM STEPHENS, CYNTHIA  
STEPHENS, RED HAW FARMS, Inc.,

Plaintiffs,

v.

FREEPORT TITLE & GUARANTY, INC.,  
DAVID KEATON AKA DAVID ARTHUR,  
JOHN 1-3 DOES,

Defendants.

Civil Action File No.: 19-CV-305

**DEFENDANT'S REQUEST FOR PRODUCTION  
OF DOCUMENTS TO A NON-PARTY**

TO: National FOIA Office  
U.S. Environmental Protection Agency  
Attn: Records Custodian  
c/o A.J. McAllister  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

RE: Defendant: David Keaton  
Dates of Service: **All Dates of Service**

Pursuant to the provisions of Rule 34 of the Georgia Civil Practice Act O.C.G.A. §9-11-34, Defendant hereby requests that the above-referenced non-party produce and permit the inspection and copying of the documents designated hereinafter. The documents shall be produced for inspection and copying within thirty-three (33) days of service, at the offices of Swift, Currie, McGhee & Hiers, LLP, 1355 Peachtree Street, N.E., Suite 300, Atlanta, Georgia 30309. In lieu of personal production, and in the absence of prior objection, the documents may be mailed to the above address within thirty-three (33) days of service, to the attention of Kevan G. Dorsey, Esquire.

As used herein, the term “document” shall mean the original of every writing or record of every type and description that is in your actual and/or constructive possession, custody or control. The materials include without limitation, correspondence, memoranda, stenographic and handwritten notes, studies, publications, books, pamphlets, voice recordings, reports, minutes, telegrams, telexes, memoranda of agreement, diaries, calendars, invoices, bills, summaries, and medical records. The request includes every copy of such document whether or not the original is in your possession, custody or control. Any document bearing on any side thereof any marks, such as (but not limited to) initials, stamped indicia, comments or notations, of any character and not a part of the original text or photographic reproduction thereof, is to be considered and produced as a separate document.

1.

Any and all documents or writings contained in your entire file and any and all documents or writings related to the examination, observation or construction monitoring concerning 1151 North Mangum Bridge Road, Maysville, Banks County, Georgia (the “Red Hawk Property”).

2.

Any inspection reports for 1151 North Mangum Bridge Road, Maysville, Banks County, Georgia (the “Red Hawk Property”) located in Banks County created by any inspector, employee, agent, or representative of the U.S. Environmental Protection Agency.

3.

Field notes, reports, internal memoranda, presentations, diagrams, charts, plans, testing results, drawings, or other documents that demonstrate, illustrate, or reference any inspection performed by any inspector, employee, agent, or representative of the U.S. Environmental Protection Agency.

4.

Communication between and any inspector, employee, agent, or representative for Plaintiffs regarding any inspections performed by any inspector, employee, agent, or representative of the U.S. Environmental Protection Agency.

5.

Communication between and any inspector, employee, agent, or representative for Defendant Freeport Title & Guaranty, Inc. regarding any inspections performed by any inspector, employee, agent, or representative of the U.S. Environmental Protection Agency.

6.

Communication between and any inspector, employee, agent, or representative for Chuck Wilson regarding any inspections performed by any inspector, employee, agent, or representative of the U.S. Environmental Protection Agency.

7.

Copies of any and all codes utilized, referenced, or consulted by any inspector, employee, agent, or representative of U.S. Environmental Protection Agency during any inspection of 1151 North Mangum Bridge Road, Maysville, Banks County, Georgia (the "Red Hawk Property").

8.

Any and all contracts and/or agreements entered into between Plaintiffs and U.S. Environmental Protection Agency concerning 1151 North Mangum Bridge Road, Maysville, Banks County, Georgia (the "Red Hawk Property").

9.

Any and all solicitation and bid documents concerning 1151 North Mangum Bridge Road, Maysville, Banks County, Georgia (the "Red Hawk Property").

10.

Any and all photographs in connection with 1151 North Mangum Bridge Road, Maysville, Banks County, Georgia (the "Red Hawk Property").

11.

Any and all investigative documents identified or obtained, including articles, written or recorded statements, reports and correspondence regarding same.

12.

Copies of resumes of any and all U.S. Environmental Protection Agency representatives involved 1151 North Mangum Bridge Road, Maysville, Banks County, Georgia (the "Red Hawk Property").

13.

Any and all documents contained within U.S. Environmental Protection Agency files 1151 North Mangum Bridge Road, Maysville, Banks County, Georgia (the "Red Hawk Property") project including but not limited to, time logs, invoices, written/taped notes, draft/ original reports, boring logs, data.

14.

Any and all estimates, invoices, or proposals including all supporting documents.

*Signature on following page.*



This 28<sup>th</sup> day of April, 2022.

Respectfully submitted,

SWIFT, CURRIE, McGHEE & HIERS, LLP

*/s/ Kevan G. Dorsey*

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Kevan G. Dorsey

Georgia Bar No.: 271402

Coryne E. G. Levine

Georgia Bar No.: 145953

*Attorneys for Defendant David Keaton*

SWIFT, CURRIE, McGHEE & HIERS, LLP

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IN THE SUPERIOR COURT OF BANKS COUNTY  
STATE OF GEORGIA

WILLIAM STEPHENS, CYNTHIA  
STEPHENS, RED HAW FARMS, Inc.,

Plaintiffs,

v.

FREEPORT TITLE & GUARANTY, INC.,  
DAVID KEATON AKA DAVID ARTHUR,  
JOHN 1-3 DOES,

Defendants.

Civil Action File No.: 19-CV-305

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**CERTIFICATE OF SERVICE**

This is to certify that I have this date served counsel for the opposing party in the foregoing matter with a copy of *Defendant's Request for Production of Documents to a Non-Party (U.S. Environmental Protection Agency)* via electronic filing, e-mail, and/or by depositing a copy of same in the United States mail with adequate postage affixed thereon, addressed as follows:

Robert S. Huestis, Esq.  
BLASINGAME, BURCH,  
GARRARD & ASHLEY, PC  
P.O. Box 832  
Athens, Georgia 30603  
[rhuestis@bbga.com](mailto:rhuestis@bbga.com)

Gregory W. Valpey, Esq.  
GREGORY W. VALPEY LAW  
P.O. Box 3128  
Gainesville, Georgia 30503  
[gregvalpey@yahoo.com](mailto:gregvalpey@yahoo.com)

*Signature on following page.*

This 28<sup>th</sup> day of April, 2022.

Respectfully submitted,

SWIFT, CURRIE, MCGHEE & HIERS, LLP

*/s/ Kevan G. Dorsey*

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Kevan G. Dorsey

Georgia Bar No.: 271402

Coryne E. G. Levine

Georgia Bar No.: 145953

*Attorneys for Defendant David Keaton*

SWIFT, CURRIE, MCGHEE & HIERS, LLP

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IN THE SUPERIOR COURT OF BANKS COUNTY  
STATE OF GEORGIA

WILLIAM STEPHENS, CYNTHIA  
STEPHENS, RED HAW FARMS, Inc.,

Plaintiffs,

v.

FREEPORT TITLE & GUARANTY, INC.,  
DAVID KEATON AKA DAVID ARTHUR,  
JOHN 1-3 DOES,

Defendants.

Civil Action File No.: 19-CV-305

CERTIFICATION OF RECORDS  
OF U.S. ENVIRONMENTAL PROTECTION AGENCY

Pursuant to the evidentiary provisions of the Official Code of Georgia, including O.C.G.A. § 24-9-902-(11), I hereby certify, as the Records Custodian for this provider/facility that the documents attached to this Certificate are true and correct reproductions of the records related to **1151 North Mangum Bridge Road, Maysville, Banks County, Georgia (the "Red Hawk Property")**, maintained by this provider/facility and that these records: (a) were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of each such matters; (b) were kept in the course of regularly conducted activity of the facility; and (c) were made by the regularly conducted activity as a regular practice of the facility, all in accordance with the provisions of O.C.G.A. § 24-8-803(6). I further certify that these documents include all records with the exception of: (1) materials which are privileged or otherwise not subject to production; (2) materials not requested by the subpoena, request, or other instrument seeking production; (3) materials not yet scanned or completed; and/or (4) materials which this provider/facility has received from other third parties.

This \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Records Custodian

Sworn to and subscribed before me,  
this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public

My Commission Expires:

NOTE: This provider/facility is providing this Certification in accordance with the self-authentication requirements of O.C.G.A. § 24-9-902(11) in lieu of incurring unnecessary time and expense of having its Records Custodian appear in Court. The statute specifically imposes an obligation on any party intending to offer these records into evidence to provide written notice of such intention to all adverse parties and to make the records and this Certification available for inspection sufficiently in advance of the offer to provide an adverse party with fair opportunity to challenge the records and the Certification.



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*swift/currie*



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MAY 09 2022